

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT District Attorney	(2) MEETING DATE 2/24/2015	(3) CONTACT/PHONE Dan Dow, District Attorney 781-5800	
(4) SUBJECT Submittal of a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by deleting a vacant 1.00 FTE Social Worker I position and replacing it with a 1.00 FTE Legal Clerk position. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board approve a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by: 1) Deleting one full-time (1.00 FTE) Social Worker I position; and 2) Adding one full-time (1.00 FTE) Legal Clerk position.			
(6) FUNDING SOURCE(S) General Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT Savings of \$3,941.00 annually	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: District Attorney / Dan Dow, District Attorney
781-5800

DATE: 2/24/2015

SUBJECT: Submittal of a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by deleting a vacant 1.00 FTE Social Worker I position and replacing it with a 1.00 FTE Legal Clerk position. All Districts.

RECOMMENDATION

It is recommended that the Board approve a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by:

- 3) Deleting one full-time (1.00 FTE) Social Worker I position; and
- 4) Adding one full-time (1.00 FTE) Legal Clerk position.

DISCUSSION

The District Attorney's Office currently employs 11 full-time legal clerks to support the department's 31 attorneys in the prosecution of approximately 16,000 cases handled by the office annually. As set forth in detail below, existing duties of the legal clerks include entering case information, preparing files and legal documents, as well as obtaining test results. The required input and volume of the current workload exceeds the capacity of the existing legal clerks to complete such duties in a timely manner. In addition, the workload has risen and is expected to further increase as a result of Superior Court and local law enforcement procedural changes, legislative changes in the passage of Proposition 47, "The Safe Neighborhoods and Schools Act," and upon the likely implementation of a misdemeanor diversion program.

One of the essential legal clerk duties is entering case information into the office's newly implemented case management system. Select clerks are tasked with general misdemeanor and felony intake for the receipt and handling of law enforcement reports and requests for complaint, as well as ordering lab results to ensure appropriate case charging. Other legal clerk support staff are dedicated solely to designated courtroom attorney assignments and responsible for calendar management, preparing complaints and issuing subpoenas, file assembly, and case disposition processing.

The remainder of legal clerk assignments consist of supporting the attorney workload for the various specialty departments and courts, to include Mental Health (MDO-Mentally Disordered Offender), Parole Violations (PRCS-Post-Release Community Supervision), Juvenile Services Center (JSC), Family Support (DCSS-Department of Child Support Services), California Men's Colony (CMC), Atascadero State Hospital (ASH), and District Attorney Bad Check (DABC).

Along with the impact of legislative changes this past year, the legal clerks have experienced an increased workload directly related to the processes required of the new case management system. Having gone "live" in November 2013, the department-wide customized electronic case management system handles the thousands of criminal complaints filed annually and maintains each case's statutorily required records. The system integrates vital information and relevant data between the Sheriff's Office, the Probation Department, the Courts and other criminal justice partners and is designed to move the department toward its future goal of having a nearly paperless case management system. At the same time, however, legal clerks have incurred increased workload from the requirement to enter case information and the time spent

scanning and entering via optical character recognition nearly every document page for the thousands of cases handled annually.

The legal clerks' increased volume is exacerbated by several factors. Local law enforcement's authority to side step the District Attorney's Office and file criminal charges directly with Superior Court for certain low level misdemeanor offenses has been in place for decades. These roughly 5,000 to 7,000 cases per year are restricted to include driving under the influence, suspended license, infractions, and drunk in public offenses. In late 2014, California Highway Patrol's (CHP) San Luis Obispo and Templeton divisions announced that they would no longer direct file cases. As a result, the legal clerks must now input the criminal charges, prepare the complaint, scan the reports, issue notices to appear, and assemble documents for court appearances which previously would have been initially processed by CHP.

The cases which continue to be direct filed have, unfortunately, also resulted in creating additional processes for the legal clerks. As the shift continues toward a near paperless office by means of utilizing the case management system's document retention feature, legal clerks must scan each direct filed report where a case disposition was not reached at arraignment. Historically, these cases, if submitted directly to Superior Court and pled at arraignment by the defendant, would, in most cases, result in a short data entry and the file being purged. The time spent scanning each of the direct filed cases that do not reach resolution at arraignment have greatly increased the clerks' time in handling each file.

Looking ahead at the short-term and further adding to the workload is the likely implementation of a misdemeanor pre-filing diversion program in Spring 2015. Upon start-up, all other existing agency direct filings would be eliminated altogether, and thusly, cases previously processed for filing by local law enforcement would be processed by District Attorney legal clerks and filing deputies. Elimination of direct filing increases the number of cases coming into the District Attorney's Office for filing review by an estimated 5,000 to 7,000 annually. Current legal clerk staffing is insufficient to process this increase.

To help alleviate the increased workload, the District Attorney is proposing to convert an existing, vacant Social Worker position to a Legal Clerk position. The Social Worker position was originally assigned to provide court support to victims of statutory rape and inform them of the prosecution's process in their particular case. Staff project funding was provided to the District Attorney's Office by the California Emergency Management Agency (CalEMA) until FY 2011-12 at which time block grant funds were eliminated. The Social Worker position became vacant in June 2013 whereby victims of statutory rape cases were reassigned to, and continue to be handled by, Victim Advocates and Victim Assistance Coordinators within the District Attorney's Victim/Witness Division.

An increased workload experienced by the legal clerks is evidenced by the overtime incurred during FY 2014-15 by existing legal clerk staff to address the current backlog of cases. During the first 6 months of FY 2014-15, 372.5 weekend overtime hours have been spent by legal clerk staff for a total of \$13,908. Continuation of these overtime hours for the remainder of the fiscal year would equate to 42% of an employee's work year, based upon 1,800 productive hours per year. This expense is anticipated to continue as the volume of cases increases and the backlog of cases persists.

The deletion of the currently vacant Social Worker I (1.00 FTE) position and conversion to one (1.00 FTE) Legal Clerk position will eliminate the need for further overtime hours and allow legal clerk staff to adequately handle the existing, as well as anticipated, increased workload.

OTHER AGENCY INVOLVEMENT/IMPACT

This request has been coordinated with the Human Resources Department and the San Luis Obispo County Employees' Association (SLOCEA), which represents both bargaining units for both classifications.

FINANCIAL CONSIDERATIONS

There will be no impact to the District Attorney's budgeted level of General Fund Support. In addition, the conversion of a Social Worker I position to a Legal Clerk position will result in a minor reduction in filled position salary and benefit costs to the District Attorney budget:

PAL POSITION CHANGES	ANNUAL IMPACT (FY 15-16 Salary and Benefits Figures)
Delete 1.00 FTE Social Worker I Position (1-2)	(\$71,599)
Add 1.00 FTE Legal Clerk Position (1-2)	\$ 67,658
NET ANNUAL DEPARTMENT IMPACT	(\$ 3,941)

RESULTS

As a result of this conversion, the number of legal clerks would be increased from 11 to 12. The District Attorney's Office will be better equipped to support the Deputy District Attorneys in the prosecution of the approximately 16,000 cases handled by our office annually. Increasing legal clerk staff will discontinue the need for further overtime hours to address the increased case management entry processes and legislative changes that have impacted the department.

ATTACHMENTS

1. Attachment 1 - FC 132 Pal Resolution